

January 21, 2022

BY ECF

Judge Ronnie Abrams
United States Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: Dodd v. Advance Magazine Publishers, Inc. d/b/a Condé Nast (21-cv-8899):
Request to Vacate or Adjourn Proposed Case Management Plan and Initial Status
Conference

Dear Judge Abrams:

This Firm represents Defendant Advance Magazine Publishers, Inc. d/b/a Condé Nast (“Condé Nast”) in the above captioned matter. We are writing to request that the Court vacate or adjourn the deadline for the joint letter and proposed case management plan, currently due on January 28, 2022, set forth in the Order dated November 15, 2021 [ECF No. 5]. We also respectfully suggest that the Court adjourn the initial conference scheduled for February 4, 2022, set in the same Order. Counsel for Plaintiff does not oppose these requests.

Plaintiff’s putative class action Complaint alleges a single claim for violation of Indiana’s right of publicity statute based on the sale or rental of Condé Nast’s magazine subscriber lists to third parties. *See* IC 32-26-1-1. Condé Nast intends to file a motion to dismiss the Complaint in its entirety with prejudice based on dispositive, threshold legal issues. That motion will be filed on or before January 31, 2022. In light of the anticipated Motion to Dismiss that could resolve this matter in its entirety, we respectfully request that this Court vacate the deadlines for the submission of the joint letter and the initial status conference, and reset those deadlines, if necessary, after Your Honor decides the motion to dismiss.

We note that our request is consistent with the approach taken in the consolidated action pending before Your Honor that involves similar, if not identical, allegations against another magazine publisher, Hearst, pursuant to various states’ right of publicity statutes. *See In re Hearst Communications State Right of Publicity Statute Cases*, No. 21-cv-8895. There, in anticipation

of Hearst's motion to dismiss the consolidated complaint, the court vacated the deadline to submit the proposed case management plan and scheduling order, and also vacated the initial status conference. [ECF No. 28.]

This is Defendant's first request for an adjournment of the deadlines and initial conference. Thank you for your consideration.

Respectfully,

/s/ Sandra D. Hauser

Counsel for Defendant, Condé Nast

cc: Phil Fraietta, Counsel for Plaintiff (via ECF)
Natalie Spears
Kristen Rodriguez

Application granted.

SO ORDERED.



Hon. Ronnie Abrams
January 24, 2022